

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

1) DUSTIN LANCE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CV-17-378-RAW
	)	<b>JURY TRIAL DEMANDED</b>
1) CHRIS MORRIS, Sheriff of Pittsburg	)	
County, Okla., in his official capacity,	)	
2) MIKE SMEAD, in his	)	
individual capacity,	)	
3) DAKOTA MORGAN, in his	)	
individual capacity,	)	
4) DANIEL HARPER, in his	)	
individual capacity	)	
	)	
Defendants.	)	

**DEFENDANTS CHRIS MORRIS, DANIEL HARPER,  
AND DAKOTA MORGAN'S  
MOTION TO PRESENT WITNESS OUT OF TURN**

COMES NOW Defendants Sheriff Chris Morris, in his official capacity, Daniel Harper and Dakota Morgan ("Defendants"), pursuant to LCvR 7.1(j), submits the following motion to present the Defendants' expert witness, Dr. Marc S. Milsten, MD, out of turn for the following reasons.

1. Pursuant to LCvR 7.1(j), the undersigned has conferred with Plaintiff's counsel multiple since March 10, 2023 regarding this matter and has been advised that Plaintiff is unable, at this time, to state whether he objects or does not object to this Motion. Plaintiff's counsel states that his reason for being unable to state a position on this motion is because he is currently trying to confirm the availability of Plaintiff's witnesses during the week of trial. Plaintiff's counsel has not provided a time frame by which he will be able to confirm this information. Due to the time

sensitive nature of this Motion and the potential necessity to schedule a trial deposition for Dr. Milsten, this motion is being submitted without further delay.

2. On March 9, 2023, the Court issued a Minute Order setting this matter for trial on April 24, 2023. (Dkt. 277).

3. Thereafter, the undersigned contacted the Defendants' expert witness, Dr. Marc S. Milsten, MD, regarding the scheduled trial. Dr. Milsten has advised the undersigned that he is only available to testify on Wednesday, April 26, 2023 as he has scheduled clinic hours with a full slate of patients on Tuesday, April 25, 2023, and is scheduled to fly to California on Thursday, April 27, 2023.

4. Accordingly, Defendants respectfully request the Court to allow them to present their expert witness, Dr. Milsten, for testimony on Wednesday, April 26, 2024.

5. Pursuant to LCvR 7.1(j), a proposed order is submitted herewith.

WHEREFORE, premises considered, Defendants Sheriff Chris Morris, in his official capacity, Daniel Harper and Dakota Morgan respectfully request the Court to allow them to present their expert witness, Dr. Marc S. Milsten, MD, for testimony on Wednesday, April 26, 2024.

Respectfully submitted,

s/ W.R. Moon Jr.

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*Attorney for Defendants Sheriff Chris Morris,  
Dakota Morgan, and Daniel Harper*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 17, 2023, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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s/ W.R. Moon Jr.  
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